

REMARKS / DISCUSSION OF ISSUES

Claims 1-16 are pending in the application. Claims 1-16 stand rejected. Claim 17 is newly added.

Claims 6, 8, 10-15 are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Title of The Invention

The Office Action requires a new title that is clearly indicative of the invention to which the claims are directed. The Applicant has replaced the Title of The Invention with the following: "EMBEDDING IN AN INFORMATION SIGNAL A WATERMARK DEPENDENT UPON THE BIT RATE OF THE INFORMATION SIGNAL," which is similar to the title suggested in the Office Action.

Claim Objections

Claims 6 and 12 are objected to because of informalities. The Applicant notes that the spelling of words objected to is the European English spelling, which has been corrected to the U.S. spelling. Similar correction has been made to claims 8 and 13.

For consistency the Applicant has amended paragraphs [0008], [0009], [0012], [0013], [0022], [0023], [0025], [0026], [0042], [0048], [0049], [0050], [0051] and [0053] wherein the European English spelling has been corrected to the U.S. spelling.

Claim 14 is objected to as being in improper form. The Applicant has amended claim 14 and added new claim 17 to at least partially restore the original range of claim 14. No new matter is added.

35 U.S.C. §101 rejection

On page 3 of the non-final Office Action claims 10, 11 and 14-16 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

The Office Action states that claims 10 & 11 are drawn to energy which is not one of the four categories of invention and is non-statutory.

Claims 10 and 11 have been amended to more clearly state the claimed invention and are directed to a system for control of multimedia with a watermarked information signal.

The Office Action states that claim 14 lacks the claim language necessary for computer readable medium. Claim 14 has been amended to more clearly state the claimed invention and is directed a computer readable medium.

The Office Action states that claim 15 is drawn to energy which is not one of the four categories of invention and is non-statutory. Claim 15 has been amended to more clearly state the claimed invention and is directed to a system for control of multimedia with a record carrier.

Claim 16 depends upon amended claim 14.

It is respectfully submitted that claims 10, 11 & 14-16 are directed to a system for control of multimedia. It is respectfully submitted the claimed system for control of multimedia meets the requirements of 35 U.S.C. §101 because the recited elements are claimed in combination with the computer implementation.

Applicant submits that the claimed invention, a system for control of multimedia, is statutory and recites a practical application.

The rejection of claims 10, 11 & 14-16 should be withdrawn as they are likewise directed to statutory subject matter.

35 U.S.C. §102 rejection

On page 5 of the non-final Office Action claims 1, 2, 4, 5-10 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Rao *et al.* (US Patent No. 6,222,932 B1). The Office Action states that “Rao discloses the limitation of ‘the watermark embedding process is controlled by at least one embedded parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal’ (column 3 lines 54-63)”.

Applicant respectfully brings to the Examiner’s attention that Rao discloses a “watermarked image formed from an image and an image watermark, the strength level corresponding to a reference watermark strength of a reference image having a set of parameters associated with a measured texture value of the reference image. The apparatus and method measure a texture value of at least a portion of the image; and calculate the watermark strength

based on the measured texture value and the set of parameters.” (column 3 lines 55-63 emphasis added). The “parameter database 105 for determining the appropriate strength of the watermark to be applied to the image is described below.” (column 5 lines 5-7). “parameters associated with a model for watermark strength which use the texture values are retrieved at step 205.” (column 5 lines 27-29). “The process of creating a model of appropriate watermark strength” involves “the response of a sample of human subjects” who indicate “if the watermark of the image is either ‘too light’ or ‘too dark’.” (column 8 lines 6-20).

The Office Action states that “since the parameters are controlled by the texture value and higher quality images have higher texture value examiner interprets texture value to be equal to bit-rate since higher bit-rate results in higher quality of each individual frame.”

Texture value is not equal to bit-rate. Rao explicitly defines image texture and its measurement. “Image texture refers to the surface markings or two dimensional appearance of a surface within an image. Image texture may be derived by combining three primitive texture types: (1) strongly ordered textures, such as repetitive patterns (e.g. brick walls); (2) weakly ordered textures, such as surfaces having a random appearance (e.g sand grains); and (3) oriented textures, such as surfaces that have directionality (e.g. wood grain). Measuring texture and providing texture values is well known and is described, for example, in A. R. Rao, A Taxonomy for Texture Description and Identification, Springer Verlag, 1990, and in H. Wechsler, "Texture Analysis: A survey," Signal Processing, vol. 2. pp. 271-282, 1980, and which are incorporated herein by reference.” (column 5 lines 50-63).

An image at a particular bit-rate may contain a range of image textures from smooth to highly detailed. The image quality of the low texture images would appear the same for a range of bit-rates while only the more intricate textures would have a higher quality with a higher bit-rate. Rao does not “disclose the limitation of ‘determining the bit-rate of the information signal’” as stated on page 6 of the Office Action. In fact, Rao discloses neither the term “bit-rate” nor the term “bit-stream.” Simply put texture value is not equal to bit-rate.

The present invention claims a “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Claims 1, 2, 4, 5-10 are not anticipated by Rao *et al.* Withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103 rejection

On page 8 of the non-final Office Action claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rao *et al.* (US Patent No. 6,222,932 B1) in view of Ahn (US Patent Publication No. 2003/0031377 A1).

The Office Action states that “Rao does not explicitly teach the limitation of ‘information indicative of the bit-rate is encoded in the information signal.’” The Applicant agrees. Rao does not disclose the limitation of determining the bit-rate of the information signal. In fact, Rao discloses neither the term “bit-rate” nor the term “bit-stream.” Simply put texture value is not equal to bit-rate.

The present invention claims a “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

While Ahn discloses “compression attribute information includes bit-rate information and picture mode information for each of the frame data.” (page 1 paragraph 0012) Ahn does not teach “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Claim 3 is patentable over Rao *et al.* in view of Ahn. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

On page 9 of the non-final Office Action claims 11 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rao *et al.* (US Patent No. 6,222,932 B1).

Rao discloses neither the term “bit-rate” nor the term “bit-stream.” Simply put texture value is not equal to bit-rate.

The present invention claims a “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Rao does not teach “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Claims 11 & 15 are patentable over Rao *et al.*. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

On page 9 of the non-final Office Action claims 12 & 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rao *et al.* (US Patent No. 6,222,932 B1) in view of Xu (US Patent Publication No. 2004/0059918 A1).

The present invention claims a “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Neither Rao nor Xu teach “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Claims 12 & 13 are patentable over Rao *et al.* in view of Xu. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

On page 10 of the non-final Office Action claims 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rao *et al.* (US Patent No. 6,222,932 B1) in view of Smith (US Patent No. 6,018,748).

Smith discloses “a web site having an application program for download” (column 6 lines 4-5).

The present invention claims a “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Neither Rao nor Smith teach “watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the information signal.”

Claim 16 is patentable over Rao *et al.* in view of Smith. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, applicant respectfully requests that the Examiner withdraw the

objections and rejections of record, allow all the pending claims, and find the application in condition for allowance.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/

Date: October 7, 2008

By: Brian S. Myers

Registration No.: 46,947

Myers Wolin, LLC

For: Larry Liberchuk,

Registration No. 40,352

Mail all correspondence to:

Larry Liberchuk, Registration No. 40,352

US PHILIPS CORPORATION

P.O. Box 3001

Briarcliff Manor, NY 10510-8001